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Department of State

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TELEGRAMPAGE 01 BUENOS 18365 01 OF 02 211932Z
ACTION ARP-15

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INFO OCT-01 EUR-12 10-14 ADS-00 CIAE-00 DODE-00 PH-05
H-01 INR-10 L-03 NSAE-02 PA-01 SF-02 SS-15 AID-05
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 3586
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY BRUSSELS
USMISSION GENEVA
AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
USMISSION USUN NEW YORK
AMEMBASSY ROME
AMEMBASSY SANTIAGO
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SECTION 1 OF 2 BUENOS AIRES 18365

USEEC

ROME FOR VATICAN OFFICE

E.O. 12065: GDS 12/21/85 (DAVIS, VERA L.) OR-P
TAGS: SHUM, AR
SUBJECT: (U) HUMAN RIGHTS SUMMARY - DECEMBER 15-21, 1979

REF: BUENOS AIRES 18211

SUMMARY: THE REPORT ON ARGENTINA PREPARED BY THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS WAS SUBMITTED OFFICIALLY TO THE ARGENTINE GOVERNMENT AT THE END OF LAST WEEK AND CONTINUES PROMINENT IN THE NEWS HERE. BUENOS AIRES 18213 DESCRIBED THE IRE OF THE FOREIGN MINISTRY, WHICH RELEASED A COMMUNIQUE COMPLAINING OF USG LEAKS OF THE DOCUMENT TO THE COUNCIL ON HEMISPHERIC AFFAIRS. SUBSEQUENTLY IT WAS ANNOUNCED THAT ARGENTINA'S AMBASSADOR TO THE UNITED NATIONS HAD BEEN CALLED BACK TO HEAD THE GROUP WHICH WILL PHRASE ARGENTINA'S OFFICIAL RESPONSE TO THE COMMISSION REPORT. ALSO REPORTED HERE WAS AN ALLEGED FRACAS TAKING PLACE IN WASHINGTON FROM WHICH ANDRES AGUILAR, THE COMMISSION'S VENEZUELAN PRESIDENT, MAY HAVE RESIGNED RATHER THAN FACE THE HEAT OF THE CONTROVERSIAL REPORT AND ITS LEAKS. ARGENTINA MAY HAVE MOVED A STEP CLOSER TO POLITICAL NORMALCY WITH PRESENTATION THIS WEEK OF THE MILITARY GOVERNMENT'S "BASIS" FOR FUTURE POLITICAL ACTION (SEE BUENOS AIRES 18307). IN AN INTERVIEW WITH A SPANISH PUBLICATION, PRESIDENT VIDELA EDGED CLOSER TO AN ADMISSION OF GOVERNMENT CULPABILITY IN THE MATTER OF THE DISAPPEARED. ONE DISAPPEARANCE WAS REPORTED FROM CORDOBA. END SUMMARY.

1. (U) IACHR REPORT: ROSS WILL REPLY ----

ENRIQUE ROSS, ARGENTINA'S AMBASSADOR TO THE OAS, WILL HEAD THE FOREIGN MINISTRY WORKING GROUP WHICH WILL STUDY THE JUST-DELIVERED INTER-AMERICAN COMMISSION ON HUMAN RIGHTS REPORT ON ARGENTINA. WE HAVE HEARD THAT AMBASSADOR ROSS HAS BEEN CONSULTING WITH MEMBERS OF THE PRESIDENCY ON THE REPORT. A FOREIGN MINISTRY CONTACT MENTIONED THE POSSIBILITY THAT ARGENTINA WILL REQUEST AN EXTENSION OF THE 60-DAY DEADLINE WITHIN WHICH THE GOVERNMENT MUST REPLY. THE REPORT'S DELIVERY COMES WHEN MANY

COURTS WILL BE IN RECESS AND MANY OFFICIALS ON SUMMER HOLIDAY.

2. (U) IACHR REPORT: WASHINGTON FRACAS? ----

LA NACION ON DECEMBER 20 GAVE EXTENSIVE COVERAGE TO AN ACCOUNT THAT ANDRES AGUILAR, PRESIDENT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, HAD ANNOUNCED HIS RESIGNATION. ACCORDING TO AN ITALIAN NEWS AGENCY REPORT OUT OF CARACAS, AGUILAR STATED HE FELT HE COULD NO LONGER EFFICIENTLY CARRY OUT HIS DUTIES AS PRESIDENT BECAUSE OF OTHER JOBS HE HAS AS ADVISER TO HIS GOVERNMENT IN PETROLEUM AFFAIRS AND LAW OF THE SEA -- DENYING THAT HIS RESIGNATION HAD ANYTHING TO DO WITH ARGENTINE PRESSURE ON THE COMMISSION TO MODIFY ITS HUMAN RIGHTS REPORT ON ARGENTINA. A COMPANION PRESS REPORT OUT OF WASHINGTON SAID THAT AGUILAR'S RESIGNATION IN FACT WAS THE RESULT OF A CRISIS IN THE COMMISSION. THE WASHINGTON ARTICLE WENT ON TO SPECULATE THAT IT WAS LIKELY THAT AGUILAR'S RESIGNATION WAS AN ATTEMPT TO DISASSOCIATE HIMSELF FROM THE RECENT LEAKS ON THE COMMISSION'S REPORT ON ARGENTINA.

3. (U) CORDOBA DISAPPEARANCE CLAIMED ----

THE BUENOS AIRES HERALD AND OTHER PAPERS REPORTED THIS WEEK THE DISAPPEARANCE OF A PROFESSOR IN CORDOBA. DANIEL ALBERTO ROQUE COUSSET, WHO WORKED AT THE NATIONAL TECHNOLOGICAL UNIVERSITY, WAS REPORTED MISSING SINCE DECEMBER 11, BY HIS WIFE. TO DATE THIS DISAPPEARANCE HAS NOT BEEN REPORTED TO ANY OF THE HUMAN RIGHTS ORGANIZATIONS IN BUENOS AIRES.

4. (U) VIDELA, AGAIN ON THE DISAPPEARED ----

IN AN INTERVIEW WITH THE SPANISH NEWSPAPER "EL IMPERIAL," PRESIDENT VIDELA STATED THAT THE DISAPPEARED WERE "A REALITY," AND THAT THE GOA DID NOT DENY THEIR EXISTENCE. HE WENT ON TO SAY THAT A NUMBER OF DISAPPEARANCES WERE THE RESULT OF "INITIAL LACK OF CONTROL" (PRESUMABLY BY THE SECURITY FORCES) AND THAT THESE DISAPPEARANCES COULD NOT BE JUSTIFIED. VIDELA THUS SEEMS TO HAVE GONE A STEP BEYOND HIS EARLIER FORMULATION OF "A FEW EXCESSES" IN ADDITION TO OTHER REASONS FOR DISAPPEARANCES UNRELATED TO GOVERNMENT ACTION, WHICH HE CONTINUES TO CITE.

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(X) Release () Excise () Deny

Exemption(s):

Declassify: () In Part (X) In Full

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Date Declassify on Reason

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5. (U) NO HABEAS CORPUS FOR HIDALGO SOLA ----

A FEDERAL COURT REJECTED A PETITION FOR HABEAS CORPUS IN THE CASE OF AMBASSADOR HIDALGO SOLA, WHO WAS KIDNAPPED IN JULY 1977. THE PETITION WAS REJECTED ON THE GROUNDS THAT HIDALGO SOLA WAS NOT BEING HELD BY ANY GOVERNMENT AGENCY, AND THAT HABEAS CORPUS CAN ONLY BE APPLIED TO CASES OF ILLEGAL ARRESTS -- NOT TO FIND MISSING PERSONS. AT THE SAME TIME THE COURT ALSO DISMISSED A MOTION MADE BY THE GOVERNMENT PROSECUTOR THAT HIDALGO SOLA BE DECLARED LEGALLY DEAD. THIS IS OF INTEREST AS THE FIRST PUBLISHED CASE OF THE NEGATION OF A GOVERNMENT PETITION FOR A JUDGMENT OF PRESUMED DEATH.

6. (U) THE MOTHERS MEET AGAIN ----

FOR THE FIRST TIME SINCE BEING DISPERSED AND WARNED ONE YEAR AGO, THE "MOTHERS OF PLAZA DE MAYO" MET AGAIN AT THE PLAZA TO HOLD A VIGIL AND TO PRESENT A LETTER TO PRESIDENT VIDELA. ABOUT 300 MOTHERS TOOK PART IN THE VIGIL, ACCORDING TO PRESS REPORTS. TWO REPRESENTATIVES WERE ESCORTED INTO THE CASA ROSADA IN ORDER TO PRESENT THE LETTER AND WERE RECEIVED BY A SECRETARY, WHO TOLD THEM THAT THEY WOULD GET AN ANSWER "SOON" AND THAT THE LETTER WOULD BE FORWARDED TO VIDELA. THERE WERE NO SIGNIFICANT INCIDENTS DURING THE DEMONSTRATION. THE LETTER TO VIDELA ASKS WHO AND WHERE THE DISAPPEARED ARE.

7. A LIGHT CASE OF CENSORSHIP ----

BRIEFLY ON DECEMBER 18 COPIES OF THE WEEKLY MAGAZINE SIETE DIAS WERE "CONFISCATED" BY MEMBERS OF THE MORALITY DIVISION OF THE MUNICIPALITY OF BUENOS AIRES. MEMBERS OF THE DIVISION GAVE NO EXPLANATION AS TO WHY COPIES OF THE DECEMBER 18 ISSUE OF THE MAGAZINE WERE CONFISCATED, BUT IT WAS SPECULATED IN THE PRESS THAT THIS ACTION WAS TAKEN IN RETALIATION FOR AN UNFLATTERING ARTICLE WRITTEN IN A PREVIOUS ISSUE OF THE MAGAZINE ON THE MAYOR OF BUENOS AIRES, OSVALDO CACCIATORE. THE ISSUE WAS

RELEASED LATER THE SAME DAY.

8. (U) FEDERAL JUDGE RECALLED ----

THE FEDERAL JUDGE OF SAN MARTIN, MANUEL AGUSTIN GARCIA TUNON, WAS RECALLED AFTER BEING FOUND GUILTY OF MALFEASANCE BY A SPECIAL ETHICS TRIBUNAL HEADED BY SUPREME COURT JUSTICE GUASTAVINO. IN ADDITION TO BEING RECALLED, TUNON HAS BEEN BARRED FROM HOLDING PUBLIC OFFICE IN THE FUTURE. SIMILAR CHARGES MAY BE BROUGHT AGAINST OTHER JUDGES IN THE SAN MARTIN AREA.

9. (U) PROMINENT ARGENTINES PETITION GOA ----

A GROUP OF ARGENTINES INCLUDING ALICIA DE JUSTO, ARCHBISHOP JAIME DE NEVARES AND FORMER METHODIST BISHOP CARLOS GATTINONI HAVE ASKED THAT THE GOA ADDRESS ITSELF TO THE QUESTION OF THE DISAPPEARED AND THOSE HELD UNDER PEN.

10. (U) LIFE SENTENCE GIVEN ----

A MENDOZA CIVILIAN JUDGE HAS SENTENCED HUGO DANIEL RABANAL TO LIFE IMPRISONMENT FOR HIS ROLE IN THE ASSASSINATION OF A MENDOZA POLICEMAN. RABANAL HAS BEEN JAILED SINCE MARCH OF 1976.

11. FOWG RECONSTITUTED - BARELY ----

THE FOREIGN OFFICE WORKING GROUP ON HUMAN RIGHTS HAS BEEN TRANSFERRED TO THE INTERNATIONAL ORGANIZATIONS DIVISION OF THE FOREIGN MINISTRY WHOSE ACTING DIRECTOR, RAFAEL GOWLAND, SERVED IN WASHINGTON, NEW YORK AND LONDON. THE FOWG IS HEADED BY IGNACIO PICO ESTRADA, WHO CONTINUES IN OTHER DUTIES INVOLVING INTERNATIONAL BODIES OTHER THAN THE UN AND THE OAS. PICO ESTRADA REPLACES THE HAROLDING JUAN CARLOS ARLIA IN WHAT CLEARLY IS A DE-EMPHASIS OF THE FOWG ORGANIZATION.

CHAPLIN